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VIA HAND VERY DECEMBER 19, 2001

#32 H/par  
05-08-02**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Hastings et al.

Attorney Docket No.: PF147D1

Application Serial No.: 09/037,460

Art Unit. 1647

Filed: March 10, 1998

Examiner: Saoud, C.

Title: Human Vascular IBP-Like Growth Factor  
Polynucleotides (as amended)**RESPONSE AND AMENDMENT**  
**UNDER 37 C.F.R. § 1.111 TO PAPER NO. 31**Commissioner of Patents  
Washington, D.C. 20231

Sir:

In response to the Official Action mailed September 21, 2001 (Paper No. 31), Applicants hereby request that the following remarks be entered into the above-captioned application. Applicants submit concurrently herewith: (a) a Supplemental Information Disclosure Statement, Form PTO/SB/08 and copies of references AI-AJ; and (b) a Fee Transmittal Sheet.

**In the claims:**

Please cancel claim 176 without prejudice or disclaimer.

**Remarks**

Claims 54-67, 75-92, 102-107, 115-119, 122-175 will be pending in the current application after entry of the present amendment. Claim 176 has been cancelled without prejudice or disclaimer.

**Rejections Under 35 U.S.C. § 101**


The Examiner rejects claims 54-67, 75-92, 102-107, 115-119 and 122-175 under 35 U.S.C. § 101 alleging that the claimed invention is drawn to an invention with no apparent or disclosed specific and substantial credible utility.

More specifically, the Examiner contends:

**RETURN RECEIPT CARD**

(MPEP § 503)

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GROUP 1600

<b>OIPE:</b>	Please Date Stamp In The Box Below And Return To Addressee
	

Application of: Hastings et al.

Attorney Docket No.: PF147D1

Application Serial No.: 09/037,460

Art Unit: 1647

Filed: March 10, 1998

Examiner: Saoud, C.

**OFFICIAL**Title: Human Vascular IBP-Like Growth Factor  
Polynucleotides (as amended)

**The following documents were filed by Human Genome Sciences, Inc.  
via hand delivery on December 19, 2001:**

1. Return Receipt Card;
2. Fee Transmittal Sheet w/appropriate fee(s) (in dupl.);
3. Response and Amendment Under 37 C.F.R. § 1.111 to Paper No. 31;
4. Supplemental Information Disclosure Statement with Form PTO/SB/O8 and copies of references AI-AJ; and
5. Request for Correction of Filing Receipt with copy of Filing Receipt with corrections noted in red.

JKE/CCB/ba

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MAY 08 2002

GROUP 1600

**HUMAN GENOME SCIENCES  
LEGAL DEPARTMENT**9410 Key West Avenue  
Rockville, MD 20850

Phone: 301-309-8504

Fax: 301-309-8439

**OFFICIAL****FAX COVER SHEET**

DATE: May 7, 2002

TOTAL NUMBER OF PAGES: 17

TO: U.S. Patent and Trademark Office  
Examiner Christine J. Saoud (Group Art Unit 1647)

FAX #: (703) 308-0294

FROM: Lin J. Hymel, Ph.D., J.D.

DIRECT PHONE NO.: 301 251-6015

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RE: Application Serial No. 09/037,460  
For: Human Vascular IBP-Like Growth  
Factor Polynucleotides (as amended)  
Inventor: Hastings et al.  
Our Ref.: PF147D1

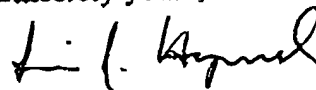
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Dear Examiner Saoud:

Per your telephone request today, attached is a copy of the Response and Amendment filed by Applicants on December 19, 2001, which you indicated was missing from the Patent and Trademark Office Files. A copy of the date-stamped Return Receipt Card is also enclosed.

Please feel free to contact me if you have any questions or require additional assistance.

Sincerely yours,



Lin J. Hymel

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

## Complete if Known

Application Number	09/037,460
Filing Date	March 10, 1998
First Named Inventor	Hastings et al.
Examiner Name	Saoud, C.
Group Art Unit	1647
Attorney Docket Number	PF147D1

Total amount of payment

\$180.00

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 08-3425

Deposit Account Name Human Genome Sciences, Inc.

- ☒ Charge Any Additional Fee Required  
Under 37 CFR §§ 1.16 and 1.17  
☐ Applicant claims small entity status  
See 37 CFR 1.27

2. ☐ Payment Enclosed.  
☐ Check ☐ Credit Card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	310	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) \$0.00

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from Below	Fee Paid
97	-98**	0	\$18.00
18	-19**	0	\$24.00
Multiple Dependent		\$280.00	

Large Entity		Small Entity		Claims in excess of 20	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claims, if not paid	
108	64	208	42	Reissue independent claims over original patent	
110	18	210	9	Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) \$0.00

\*\* or number previously paid, if greater For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	30	227	25	Surcharge - late provisional filing fee or cover sheet	
129	130	229	130	Non-English specification	
147	2,520	247	2,520	For filing a request for ex parte reexamination	
112	920	212	920	Requesting publication of SIR prior to Examiner action	
113	1,840	213	1,840	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,340	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	238	1,510	Petition to institute a public use hearing	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	222	130	Postoffice to the Commissioner	
125	50	225	50	Processing fee under 37 CFR 1.17(c)	
126	180	226	180	Submission of Information Disclosure Statement	\$180.00
381	40	281	40	Recording each patent assignment per property (taxes number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	269	900	Request for expedited examination of a design application	
145	100	245	100	Certificate of correction	
148	110	248	55	Statutory disclaimer	
381	3	281	3	Printed copy of patent, regular service	

Other fee (specify)

Other fee (specify)

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

\$180.00

Submitted By

Name (Print/Type) Jonathan L. Klein

Registration No 41,119

Telephone (301) 251-6013

Signature:

*Jonathan L. Klein*

Date: December 19, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-1038.

Submit your submission. This form is submitted to the U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND THIS COMPLETED FORM TO THE U.S. PATENT AND TRADEMARK OFFICE. Patent and Trademark Office, Washington, DC 20231.